

## § 550.170

### **§ 550.170 May my other departments or affiliates use fiduciary personnel and facilities to perform other services?**

Your other departments or affiliates may use fiduciary officers, employees, and facilities to perform services unrelated to the exercise of fiduciary powers, to the extent not prohibited by applicable law.

### **§ 550.180 May I perform fiduciary services for, or purchase fiduciary services from, another association or entity?**

You may perform services related to the exercise of fiduciary powers for another association or other entity under a written agreement. You may also purchase services related to the exercise of fiduciary powers from another association or other entity under a written agreement.

### **§ 550.190 Must fiduciary officers and employees be bonded?**

You must obtain an adequate bond for all fiduciary officers and employees.

## REVIEW OF A FIDUCIARY ACCOUNT

### **§ 550.200 Must I review a prospective account before I accept it?**

Before accepting a prospective fiduciary account, you must review it to determine whether you can properly administer the account.

### **§ 550.210 Must I conduct another review of an account after I accept it?**

After you accept a fiduciary account for which you have investment discretion, you must conduct a prompt review of all assets of the account to evaluate whether they are appropriate, individually and collectively, for the account.

### **§ 550.220 Are any other account reviews required?**

At least once every calendar year, you must conduct a review of all assets of each fiduciary account for which you have investment discretion. In this review, you must evaluate whether the assets are appropriate, individually and collectively, for the account.

## 12 CFR Ch. V (1–1–11 Edition)

## CUSTODY AND CONTROL OF ASSETS

### **§ 550.230 Who must maintain custody or control of assets in a fiduciary account?**

You must place assets of fiduciary accounts in the joint custody or control of not fewer than two fiduciary officers or employees designated for that purpose by the board of directors.

### **§ 550.240 May I hold investments of a fiduciary account off-premises?**

You may hold the investments of a fiduciary account off-premises, if this practice is consistent with applicable law, and you maintain adequate safeguards and controls.

### **§ 550.250 Must I keep fiduciary assets separate from other assets?**

You must keep the assets of fiduciary accounts separate from your other assets. You must also keep the assets of each fiduciary account separate from all other accounts, or you must identify the investments as the property of a particular account, except as provided in §§ 550.260.

## INVESTING FUNDS OF A FIDUCIARY ACCOUNT

### **§ 550.260 How may I invest funds of a fiduciary account?**

(a) *General.* You must invest funds of a fiduciary account in a manner consistent with applicable law.

(b) *Collective investment funds.* (1) You may invest funds of a fiduciary account in a collective investment fund, including a collective investment fund that you have established. In establishing and administering such funds, you must comply with 12 CFR 9.18.

(2) If you must file a document with the Comptroller of the Currency under 12 CFR 9.18, you must also file that document with the appropriate Regional Office at § 516.40(a) of this chapter. The OTS may review such documents for compliance with this part and other laws and regulations.

(3) “Bank” and “national bank” as used in 12 CFR 9.18 shall be deemed to include a Federal savings association.

[62 FR 67703, Dec. 30, 1997, as amended at 66 FR 13006, Mar. 2, 2001]